

**L A W**  
**ON THE ORGANIZATION AND FUNCTIONING**  
**OF THE HIGH COUNCIL OF JUSTICE**

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**Article 1**

High Council of Justice

The High Council of Justice is the state authority responsible for the protection, appointment, transfer, dismissal, education, moral and professional evaluation, career, as well as for the control of the activity of judges of the courts of first instance and the courts of appeal.

**Article 2**

Duties of the High Council of Justice

The High Council of Justice exercises the following duties:

- a) Proposes to the President of the Republic the appointment of judges of the courts of first instance and the courts of appeal.
- b) Decides on the dismissal of judges of the courts of first instance and the courts of appeal.
- c) Decides on the transfer of judges.
- ç) Decides on the disciplinary measures taken against judges.
- d) Attends to the qualification of judges.
- dh) Decides on the criteria for the evaluation of judges, controls and ensures the evaluation process and examines the judges' complaints regarding their evaluation.
- e) Appoints and dismisses the Chiefs and the Deputy Chiefs of the courts of first instance and the courts of appeal.
- ë) Appoints and dismisses the inspectors of the Inspectorate of the High Council of Justice.
- f) Performs other duties established by law.

**Article 3**

Composition of the High Council of Justice

High Council of Justice consists of the President of the Republic, the President of the Supreme Court, the Minister of Justice, 3 members elected by the Assembly, and 9 judges of all levels who are elected by the National Judicial Conference.

**Article 4**

Conditions for being elected as a member of the High Council of Justice

1. Members of the High Council of Justice who are elected by the National Judicial Conference should have performed the duty of a judge for at least 10 years.
2. Members of the High Council of Justice who are elected by the Assembly should be lawyers with at least 15 years' experience.

**Article 6**

Duration of office

1. The elected members stay in office for 5 years without the right of immediate re-election.
2. The tenure of the elected members of the High Council of Justice starts as of the day of their election.

**Article 11**

Chairman of the High Council of Justice

1. President of the Republic is the Chairman of the High Council of Justice.
2. The Chairman convenes and conducts the meetings of the High Council of Justice and pays attention to the pursuance of law during the meeting procedures and the decision making process.

**Article 12**

Deputy Chairman of the High Council of Justice

1. The High Council of Justice, with the proposal of the President, elects a Deputy Chairman from its ranks.
2. The Deputy Chairman is responsible for the everyday work of the High Council of Justice.

**Article 13**

The duties and the status of the Deputy Chairman

1. The Deputy Chairman of the High Council of Justice is a full time functionary.
2. The Deputy Chairman of the High Council of Justice exercises the following duties:

- a) Attends to the normal activity of the High Council of Justice.
- b) Organizes and conducts the activity of the Inspectorate and Administration of the High Council of Justice.
- c) Monitors the activity of the Inspectorate of the High Council of Justice relating to the verification of complaints and evidence about the judges, as well as to the implementation of duties assigned by the Council in cases of disciplinary proceedings initiated by the Minister of Justice.

ç) Arranges the preparatory work for drafting the agenda, as well as for the regular holding of the meetings of the High Council of Justice.

3. In cases of absence or impossibility of the Chairman of the High Council of Justice, the Deputy Chairman, who is provided with the Chairman's authorisation, acts on his behalf in order to exercise the functions foreseen by article 11/2 of this law.

#### **Article 14**

Inspectorate of the High Council of Justice

- 1. Inspectorate of the High Council of Justice consists of the Chief Inspector and inspectors. The rules on the organisation and functioning, as well as the number of inspectors, are decided by the High Council of Justice.
- 2. The Chief Inspector and inspectors are appointed and dismissed by the High Council of Justice with the proposal of the Deputy Chairman.
- 3. After the public announcement, the candidates for inspectors at the High Council of Justice are selected among the ranks of judges who fulfil the conditions for being appointed as judges at the Court of Appeal or, in their absence, among the ranks of lawyers that have worked as judges for at least 5 years.
- 4. The activity of the Inspectorate is conducted by the Deputy Chairman of the High Council of Justice.
- 5. The Chief Inspector organizes and is responsible for the everyday activity of the Inspectorate.

#### **Article 15**

The status of inspectors and of the Chief Inspector

- 1. Inspectors are appointed in this duty for a 5 – year term, with the right to be re-elected.

2. For the purpose of professional career, this period of exercising the function of the inspector is included in the length of service as a judge. Upon their request, the judges who serve as inspectors at the High Council of Justice are reappointed as judges without any competition.

### **Article 18**

#### Collegiality

During the meetings, the High Council of Justice performs the functions assigned to it by the Constitution and law in a collegial manner.

### **Article 19**

#### The convention of meetings of the High Council of Justice

The Chairman decides on the date and time of the meetings of the High Council of Justice, but not rarer than once per two months. The Chairman may decide on the postponement of the meeting of the High Council of Justice. Any change in relation to the decided date and time of the meeting is notified to all members of the High Council of Justice.

### **Article 23**

#### Quorum

The meeting of the High Council of Justice is valid when there are present not less than 8 of its members.

### **Article 36**

#### Signing of decisions

Decisions of the High Council of Justice are signed by the Deputy Chairman of the High Council of Justice.